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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/804,818	03/13/2001	Martin J. Janiak	BOS-30860(1)	2043

22202 7590 02/17/2004

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EXAMINER

CHILCOT, RICHARD E

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 02/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

SW

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/804,818	JANIAK ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Richard E. Chilcot, Jr.	3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: ____.  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-33 are rejected under 35 U.S.C. 102(e) as being anticipated by  
Ohanian et al.

Ohanian et al. teach method for tracking tax payment information includes fixing a unique machine-readable identifier to each of a number of taxable items, storing each of the unique machine-readable identifiers in a computer readable memory, and storing tax payment information in the computer readable memory for each of the taxable items. The unique machine-readable identifier may take the form of a machine-readable symbol such as a barcode symbol or as a wireless memory device such as a radio frequency identification ("RFID") tag. The tax information may include data such as the tax payment status, tax payment authority, a tax payment sum, a tax payment date, identity of a manufacturer, identity of a product or product type, and the identity of a product origin. Tax payment information may include tax payment information from multiple taxing authorities.

Ohanian et al. further teach the method of tracking tax payment information may further include reading the unique machine-readable identifier from one of the taxable items and retrieving the tax payment information from the computer readable memory to verify that the appropriate taxes have been paid to the appropriate taxing authorities for

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the given taxable item. Reading the identifier may take the form of imaging and decoding a machine-readable symbol or interrogating a wireless memory device.

The computer readable memory may be a central database, for example, located at the taxing authority. The computer readable memory may, alternatively, be located in a reading device being used to verify compliance, the information being routinely downloaded to the reading device. The reading device may take the form of a portable, hand held barcode scanner or RFID tag interrogator. Alternatively, the computer readable memory may be located in one or more RFID tags secured to the taxable goods.

Ohanian et al. further teach encryption of the tax payment information may provide security for the data and may deter forgery. Encryption may be particularly suitable where the tax information is stored in a machine-readable symbol or wireless memory device. The wireless memory device and/or the computer readable memory may require an access code to read from or write to the memory.

In the case of a wireless memory device, the unique identifier or serial number may be permanently stored in the device. The device may allow updating of the tax information. For example, the wireless memory device may be updated each time a tax is paid to a taxing authority.

Ohanian et al. further teach a printer for printing tax verification labels or "smart" tax stamps includes a print head movably positionable with respect to a print media and a controller coupled to the print head to cause the print head to print a number of machine readable symbols each encoding a unique identifier on the print

media. Also, Ohanian et al. further teach a point of sale device comprises a reader selectively operable to read a unique identifier from an item, a user input device operable to input text information and a communications link to couple the reader and the user input device to transmit the identifier and associated tax information to a computer readable memory.

Ohanian et al. also teach the tax verification device comprises a reader selectively operable to read a unique identifier from an item and a communications link selectively operable to transmit the read unique identifier from the device and to receive tax information based on the unique identifier.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


...WIPO reference WO 01/39142, note the abstract, which details real time tax assessment.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard E. Chilcot, Jr. whose telephone number is 703-305-4716. The examiner can normally be reached on 5/4/9 1st Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Richard E. Chilcot, Jr.  
Primary Examiner  
Art Unit 3627